

1 GLORIA J. STURMAN, ESQ.
Nevada Bar No. 2314
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3 10655 Park Run Drive, Suite 190
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Attorneys for Defendant

5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 RANDAL DOCK, an individual,
9 Plaintiff,

Case No. 2:10-cv-0275-RCJ-LRL

10 vs.

11 STATE OF NEVADA on relation of the
NEVADA DEPARTMENT OF HEALTH
12 AND HUMAN SERVICES in its capacity
overseeing the CLARK COUNTY
13 DEPARTMENT OF CHILD AND FAMILY
SERVICES; DONA LISA FORD,
14 Individually and in her Official capacity as a
caseworker for CLARK COUNTY
DEPARTMENT OF FAMILY SERVICES
15 and Child Protective Services, a department(s)
of CLARK COUNTY; CLARK COUNTY in
16 its capacity overseeing the CLARK
COUNTY DEPARTMENT OF CHILD AND
17 FAMILY SERVICES; DOES and ROES 1-
100; inclusive,

18 Defendants.
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21 CONFIDENTIALITY STIPULATION AND ORDER

22 1. To the extent that relevant, non-privileged material contained in the records of the
23 Clark County Department of Family Services ("CCDFS") may be discoverable in this action, the
24 parties stipulate that this Court may find, and this Court does so find, that such material may be
25 necessary for the determination of an issue before the Court, and therefore, may be disclosed to
26 the Court and to attorneys representing the named parties to this action, provided that such
27 disclosure occurs only in strict accordance with the terms of this Order.
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1 2. If a privilege is claimed as to documents or records sought in connection with this
2 litigation, the procedures set forth in LR 10-5 regarding in-camera submission shall apply.

3 3. The parties acknowledge, and the Court finds, that CCDFS information and
4 material which are the subject of this Confidentiality Order, contain sensitive information that is
5 generally protected from disclosure by Nevada statute and administrative code, and that all such
6 information should be and hereby is deemed confidential and may not be discussed with or
7 disclosed, either orally or in writing, to anyone, including, but not limited to the news or
8 publication media in any format, except in strict accordance with the provisions of this
9 Confidentiality Order. This Order does not apply to policies and procedures of CCDFS which are
10 otherwise deemed public record pursuant to NRS 179A.110, NRS 29.010, NRS 432B.290(2) and
11 NRS 432B.407.
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13 4. Information contained in CCDFS records which is deemed confidential pursuant to
14 this Confidentiality Order, or pursuant to any subsequent Court Order in this matter, shall be used
15 only for pre-trial proceedings in this litigation, preparation for trial, the trial of this action, any
16 post-trial proceedings and any appeal, subject to the terms of paragraph 8 of this Order, and shall
17 not be used for any other purpose.
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19 5. The parties may not disclose or discuss any confidential material or information
20 produced pursuant to this Confidentiality Order to any person other than the United States District
21 Court and Court personnel; Court reporters and stenographic reporters working in this matter;
22 attorneys engaged in the prosecution and defense of this action including the regular staff of all
23 such attorneys; the parties; experts and consultants retained by the parties for purposes of this
24 litigation; witnesses and their counsel at depositions or at any hearing or trial held herein or in
25 connection with preparation therefore; employees of a party, expert or consultant to the extent
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1 reasonably deemed necessary by counsel for the purpose of assisting in the prosecution or defense
2 of this action, and only on condition set forth in paragraph 6 below. The news or publication
3 media, in any format, are not persons, entities, experts or consultants potentially entitled to
4 disclosure under this paragraph.

5
6 6. If a party provides any person other than a party, counsel for a party, or a direct
7 employee of such counsel, access to information pursuant to paragraph 5 hereof, the providing
8 party shall give a copy of this Order to the person given access to the information. The providing
9 party shall then require the signature of the person given access to this information, on the
10 Statement of Confidentiality attached hereto and made a part hereof as Exhibit A, prior to
11 furnishing access to information covered by this Order. Such persons shall then be bound by this
12 Order and shall not disclose the information to any persons not authorized under state or federal
13 law or Order of this Court to receive such information. Copies of the executed Statement of
14 Confidentiality shall be provided to all counsel to this action within five (5) business days of
15 execution.

16
17 7. Should any party or person to whom this Confidentiality Order applies wish to
18 disclose any material derived from CCDFS records that are the subject of this Order to any person
19 other than as described herein and specifically permitted by this Order, or for any purpose other
20 than as set forth herein, such party or person shall advise all counsel of the desired disclosure,
21 including the proposed recipient of the desired disclosure, in writing.

22
23 a. If any party objects to the proposed disclosure:

- 24 (1) The objecting party shall set forth that objection, in writing,
25 to all counsel, within eight (8) business days of that party's
26 actual receipt of the written notice of intended disclosure,
27 specifying therein the basis of the objection;
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- 1 (2) The party desiring disclosure shall then submit a motion to the Court
2 for an Order Authorizing Disclosure of the specified material information,
3 or for an Order clarifying that the subject matter of the desired disclosure
4 does not fall within the confidentiality protections of paragraph 3 of this
5 Confidentiality Order;
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7 (3) The party desiring disclosure will treat all materials or
8 information in accordance with the requirements of this
9 Confidentiality Order during the pendency of such motion; and
10
11 (4) Before seeking any relief from the Court under this paragraph,
12 the parties will make a good faith effort to resolve any dispute
13 concerning the confidential treatment of such material or information.
14 b. If no party objects to the disclosure within eight (8) business days of that party's
15 actual receipt of the written notice of desired disclosure, the party seeking to make
16 the disclosure may proceed therewith.
17
18 8. Any confidential material produced pursuant to this Confidentiality Order may
19 only be filed with the Court and made part of the public record under seal, and in all references
20 filed with the Court or stated in open court, when referring to individual children and families, or
21 other persons whose names or other identifying information is contained in CCDFS records; the
22 parties shall use either initials or a pseudonym agreed to by the parties.
23
24 9. Any violation of the terms of this Confidentiality Order may result in sanctions
25 to be determined by the court upon motion, up to and including exclusion from evidence of
26 material or information released or communicated in violation of this Confidentiality Order,
27 and/or prosecution for violation of Nevada Revised Statutes 432B.290 and 179A.110.
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1 10. At the conclusion of this case, all discovery material made confidential pursuant to
2 this Confidentiality Order, or another Court Order, all documents reflecting such material, and all
3 copies thereof (including without limitation, copies provided to testifying or consulting experts or
4 consultants) shall be returned to the person or party that produced the confidential material, or, in
5 the alternative, destroyed and certified in writing to the person or party that produced the
6 confidential material to have been destroyed. Notwithstanding the foregoing, counsel may retain,
7 until the expiration of the statute of limitations applicable to attorney malpractice, including any
8 period for which the statute may be tolled, one copy of the confidential material produced in this
9 case and one copy of any attorney work product reflecting confidential material, provided that
10 such records and attorney work product is prominently marked with the statement:

11
12
13 CONFIDENTIAL

14 This envelope contains documents that are subject to a
15 Protective Order entered by the Court in this action
 Governing the use of confidential discovery material.

16 or some substantially similar statement. The provisions of this order shall continue to apply to all
17 confidential materials not returned or destroyed in accordance with this paragraph. After the
18 expiration of the statute of limitations applicable to attorney malpractice, including any period for
19 which the statute may be tolled, counsel shall return or destroy all confidential records to counsel
20 for Clark County in accordance with the terms of this paragraph.
21

22 11. This Confidentiality Order and the related Statements of Confidentiality executed
23 hereunder, shall remain in force and effect in perpetuity and shall survive this litigation.

24 12. This order does not affect access to confidential information by individuals,
25 including employees of Clark County or the State of Nevada, who are otherwise authorized under
26 state law or regulation to have such access.

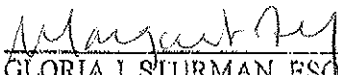
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1 13. The parties acknowledge that the parties have stipulated to the terms of this Interim
2 Confidentiality Stipulation and Order, intending that it shall govern disclosures of material from
3 the records of CCDFS, unless and until such time as the Court modifies this Order. Nothing
4 contained herein is intended to limit the parties' access to the Court or their ability to seek to
5 modify this Order.

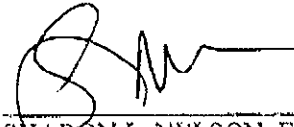
6
7 Dated this 24 day of June, 2010.

8 BUCKLEY KING, LLP

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10 
11 GLORIA J. STURMAN, ESQ.
12 Nevada Bar No. 2314
13 MARGARET G. FOLEY, ESQ.
14 Nevada Bar No. 7703
15 10655 Park Run Drive, Suite 190
16 Las Vegas, Nevada 89144
17 Attorneys for Defendant

Dated this 21 day of June, 2010.

NELSON LAW

18 
19 SHARON L. NELSON, ESQ.
20 Nevada Bar No. 6433
21 401 North Buffalo, Suite 100
22 Las Vegas, NV 89145
23 Attorney for Plaintiff Randal Dock

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25 **ORDER**

26 IT IS HEREBY ORDERED, ADJUDGED and DECREED that, the records of the Clark
27 County Department of Family Services ("CCDFS"), which may be discoverable in this action,
28 Randal Dock vs. State of Nevada, et al., Case No. 2:10-cv-0275-RCJ-LRL are deemed

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1 confidential to this litigation, and may be released and disclosed only in accordance with the terms
2 and provisions of the foregoing Stipulation, said terms and provisions being incorporated into this
3 Order by this reference as though fully set forth herein.

4 IT IS SO ORDERED this ^{29th} day of April, 2010.

U. Leano

6 UNITED STATES MAGISTRATE JUDGE

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8 Submitted by:

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10 *Margaret G. Foley*
11 GLORIA J. STURMAN, ESQ.
12 Nevada Bar No. 2314
13 MARGARET G. FOLEY, ESQ.
14 Nevada Bar No. 7703
10655 Park Run Drive, Suite 190
Las Vegas, Nevada 89144
Attorneys for Defendant

15 Exhibit A

16 STATEMENT OF CONFIDENTIALITY

17 By signing this document, I hereby certify that I have read the Confidentiality Order
18 entered by the Court in Randal Dock vs. State of Nevada, et al., Case No. 2:10-cv-0275-RCJ-
19 LRL, on the ____ day of _____, 2010. I understand this Order and agree to abide by its
20 terms by not disclosing confidential information to anyone other than counsel, employees or
21 clerical staff subject to this order, except as required by lawful judicial process.
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DATED this 26th day of February, 2010.

/s/ Gloria J. Sturman
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Nevada Bar No. 2314
MARGARET G. FOLEY, ESQ.
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